IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

WP(C).No. 25976 of 2007(P)

PETITIONER:

SIMON,
SRAMBICAL THANANGATTIL,
MULANTHURUTHY VILLAGE,
ERNAKULAM DISTRICT.

BY ADV. SRI.P.P.JACOB

RESPONDENTS:

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1. SANTHOSH,
MUREEKKAL HOUSE, PULIKKAMALY,
MULANTHURUTHY VILLAGE,
ERNAKULAM.

2. A.D. VIJAYAKUMAR, LICENSEE OF T.S.NO.26,
TODDY SHOP, MULANTHURUTHY,
MULANTHURUTHY VILLAGE, ERNAKULAM.

3. THE RANGE INSPECTOR, EXCISE RANGE OFFICE,
TRIPUNITHURA.

4. THE ASSISTANT COMMISSIONER OF EXCISE,
KACHERIPADY, ERNAKULAM.

BY GOVERNMENT PLEADER SRI. I.V. PRAMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

S. SIRI JAGAN, J.

W.P.(C)NO.25976 OF 2007

DATED THIS THE 24th DAY OF AUGUST, 2007

JUDGMENT

The petitioner alleges that the 1st respondent is using his property as a right of way to the toddy shop established by respondents 1 and 2 adjacent to the petitioner's property. Therefore, the petitioner has filed Ext.P2 representation before respondents 3 and 4 for directing respondents 1 and 2 to refrain from using the petitioner's property as a pathway. I do not think that respondents 3 and 4 have any such jurisdiction to interfere with the property dispute between the petitioner on the one hand and respondents 1 and 2 on the other hand. The proper remedy available to the petitioner is to file a suit against respondents 1 and 2. The petitioner himself admits that he has so filed a suit also.

In the above circumstances, I am not inclined to entertain this writ petition and accordingly, the same is dismissed.

S. SIRI JAGAN, JUDGE

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